

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL FUSCELLARO

CIVIL ACTION

v.

JOHN WALKER, et al.

NO. 09-3276

MEMORANDUM

GARDNER, J.

JULY 28, 2010

*stop*

Plaintiff was given leave to file an amended complaint by Order of this Court dated May 3, 2010. Plaintiff has filed an amended complaint (Document No. 9), in which he has complied with the Court's instructions. However, for the following reason this civil action will be stayed pending the final resolution of his criminal case, including any available appellate and collateral proceedings.

Plaintiff alleges that he was falsely arrested and imprisoned. He is seeking money damages. In his amended complaint, he informs the Court that his criminal case is still pending in the Philadelphia Court of Common Pleas. When a plaintiff's criminal case is still ongoing in State Court, the Third Circuit Court of Appeals requires that we stay rather than dismiss plaintiff's civil rights claims seeking damages, pending the outcome of his State Court criminal proceedings. See Williams v. Hopting, 844 F.2d 138, 144-45 (3d Cir.), cert. denied, 480 U.S. 951 (1988).